

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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| <i>In re</i> | : | |
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| THE FINANCIAL OVERSIGHT AND | : | PROMESA |
| MANAGEMENT BOARD FOR PUERTO RICO, | : | Title III |
| | : | |
| as representative of | : | Case No. 17-BK-3283 (LTS) |
| | : | |
| THE COMMONWEALTH OF PUERTO RICO, | : | (Jointly Administered) |
| <i>et al.</i> , | : | |
| | : | |
| Debtors. ¹ | : | |
| | : | |
| ----- | X | |
| | : | |
| <i>In re</i> | : | |
| | : | |
| THE FINANCIAL OVERSIGHT AND | : | PROMESA |
| MANAGEMENT BOARD FOR PUERTO RICO, | : | Title III |
| | : | |
| as representative of | : | |
| | : | Case No. 17-BK-04780-LTS |
| PUERTO RICO ELECTRICAL POWER | : | |
| AUTHORITY (PREPA), | : | Court Filing Relates Only to PREPA |
| | : | |
| Debtor. | : | |
| ----- | X | |

**FIFTH JOINT INFORMATIVE MOTION REGARDING SCHEDULE FOR MOTION
TO COMPEL DEPOSITIONS OF NELSON MORALES AND JOSÉ ROQUE TORRES**

The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Cortland Capital Market Services LLC (“Cortland”), as successor administrative agent for lenders under a Credit Agreement, dated May 4, 2012, among the Puerto Rico Electric Power Authority (“PREPA”), Scotiabank de Puerto Rico, and certain lenders; SOLA LTD, Solus Opportunities Fund 5 LP, Ultra Master LTD, and Ultra NB LLC (collectively, “Solus”), as lenders to PREPA under the Scotiabank Credit Agreement and under a Trade Finance Facility Agreement, dated July 20, 2012, between PREPA and Citibank, N.A.; PREPA, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act; and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and, together with Cortland, Solus, PREPA, and the Oversight Board, the “Parties”) respectfully submit this fourth joint informative motion regarding the deadlines for Cortland and Solus to file a motion to compel the deposition testimony of Nelson Morales and José Roque Torres.

1. On October 25, 2019, the Court entered the *Sixth Revised Order Modifying Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement* [Dkt. 1684] (the “Sixth Revised Scheduling Order”).

2. As reflected in the *Fourth Joint Informative Motion Regarding Schedule for Motion to Compel Depositions of Nelson Morales and José Roque Torres* [Dkt. 1699] (the “Fourth Informative Motion”), the Parties previously agreed to extend Cortland’s and Solus’s deadline to file the motion to compel the depositions of Mr. Morales and Mr. Roque to November 4, 2019.

3. On November 1, 2019, the Court entered the *Seventh Revised Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement [ECF No. 1235] [Dkt. 1716]* (the “Seventh Revised Scheduling Order”); with the Sixth Revised Scheduling Order, the “Scheduling Orders”). The Seventh Revised Scheduling Order provides that certain provisions of the Sixth Revised Scheduling Order “shall govern,” and incorporates certain other filings by reference, including the Fourth Informative Motion.

4. The Parties are continuing to work productively toward a stipulation to narrow or avoid the depositions of Mr. Morales and Mr. Roque. In the interest of reaching a consensual resolution, the parties hereby agree that:

- A. Cortland’s and Solus’s deadline to file the motion to compel the depositions of Mr. Morales and Mr. Roque is November 7, 2019.
- B. If the Court orders AAFAF, PREPA, and/or the Oversight Board to make Mr. Morales and/or Mr. Roque available for deposition, then the “deadline for completion of fact discovery” provided in the Sixth Revised Scheduling Order shall be extended as to these two depositions until each deposition is completed.
- C. None of the Parties’ agreements reflected in this informative motion shall affect any other deadlines provided for under the Scheduling Orders.

Dated: November 4, 2019

Respectfully submitted,

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